

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Adam Evans,	:	
	:	Case No. 1:19-cv-2870
Plaintiff,	:	
	:	Judge Calabrese
v.	:	
	:	Magistrate Judge Parker
Annette Chambers-Smith, et al.,	:	
Defendants.	:	

JOINT STATEMENT ON EXPECTED DURATION OF EACH PARTY'S CASE-IN-CHIEF ON THE QUESTION OF EXHAUSTION PER ORDER (ECF 67)

By and through counsel, Plaintiff Adam Evans ("Plaintiff") and Defendant Ricky Corbitt ("Defendant") jointly submit the following summary statement for the purpose of identifying how long each party's case-in-chief is expected to take at the forthcoming bench trial on the issue of exhaustion.

FOR THE DEFENDANT:

Defendant proposes to call the following witnesses in his case-in-chief on the issue of exhaustion for a total of approximately two hours and forty-five minutes:

Larry Anderson, a first shift corrections officer will testify regarding Plaintiff's access to paper forms and JPay during the hours and days he worked on 8B (15 minutes);

Ricky Corbitt, a second shift corrections officer whose days off were Wednesday and Thursday will testify regarding Plaintiff's access to paper forms and JPay during the hours and days he worked on 8B (15 minutes);

Nathan Smith, a second shift corrections officer whose days off were Sunday and Monday will testify regarding Plaintiff's access to paper forms and JPay during the hours and days he worked on 8B (15 minutes);

Laura Stevenson, the social worker who informed prison officials that Plaintiff wanted to file an informal complaint resolution regarding his stapled soap allegations, only to learn that it had already been filed (15 minutes);

Bill Nottingham, the sergeant who supervised the corrections officers and oversaw the daily prison activities on 8B will testify that Plaintiff never asked him for paper forms or access to JPey in order to exhaust his administrative remedies (15 minutes);

Michael Swartz, the Administrative Captain whose duties included acting as liaison between custody and all other departments to communicate rules, regulations, and special concerns will testify that Plaintiff never asked him for paper forms or access to JPey for the purpose of exhausting his administrative remedies (15 minutes);

Chris Miller, who responded on behalf of the Warden to the kites Plaintiff sent regarding the exhaustion of his administrative remedies (15 minutes);

Tina Costello, who responded to the kites Plaintiff sent to the Institutional Inspector regarding the exhaustion of his administrative remedies and will testify about the effects of a JPey restriction on inmate access to the prison's grievance system (30 minutes);

Adam Evans as if on cross regarding his claimed impediments to the prison's grievance system (30 minutes).

FOR THE PLAINTIFF:

Plaintiff estimates that his case in chief on the issue of exhaustion will take no longer than 45 minutes. Pursuant to the Court's Order (ECF No. 67) Plaintiff will submit his documentary evidence in advance. The parties have already stipulated to the authenticity of that evidence. Plaintiff's position is that witness testimony should be limited to what is relevant to the narrow fact dispute left open by the Court's summary judgment Opinion & Order on this issue. (See ECF

No. 39 at PAGEID#771.) Therefore, in Plaintiff's view, the entire bench trial on this issue should not consume more than a few hours.

Respectfully submitted,

/s/ Elizabeth Bonham

Elizabeth Bonham (0093733)
FRIEDMAN, GILBERT + GERHARDSTEIN
50 Public Square, Suite 1900
Cleveland, OH 44113-2205
Telephone: (216) 241-1430
Facsimile: (216) 621-0427
E-mail: elizabeth@FGGfirm.com
Trial counsel for Plaintiff

DAVE YOST
Ohio Attorney General

/s/ Mindy Worly
MINDY WORLY (0037395)
Principal Assistant Attorney General
Criminal Justice Section
Corrections Litigation Unit
30 East Broad Street, 23rd Floor
Columbus, Ohio 43215
T: (614) 728-0161; F: (866) 474-4985
Mindy.Worly@OhioAGO.gov
Trial counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *JOINT STATEMENT ON EXPECTED DURATION OF EACH PARTY'S CASE-IN-CHIEF ON THE QUESTION OF EXHAUSTION PER ORDER (ECF 67)* has been electronically filed on May 2, 2023. Notice of this filing will be sent to counsel for all parties via the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Mindy Worly

MINDY WORLY (0037395)
Principal Assistant Attorney General